

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division 2007 JUL 16 P 4: 02

JOHN CHRISTIE,
Director of Children & Families
London Borough of Brent

Petitioner,

v.

NAFISATU WILLIAMS

and

HARRY WILLIAMS

Respondents.

CLERK U.S. DISTRICT COURT
ALEXANDRIA, VIRGINIA

Case No.

1:07cv682

EMERGENCY MOTION FOR ISSUANCE OF WARRANT OF ARREST

Petitioner, John Christie, Director of Children & Families, London Borough of Brent, by undersigned counsel, respectfully requests the issuance of a Warrant of Arrest and states as follows:

1. Petitioner incorporates herein by reference its Emergency Verified Petition for Warrant of Arrest In Lieu Of Writ of Habeas Corpus and Petition for Return of Children to England filed contemporaneously with this Motion.
2. Based upon the exigency of the instant case, the risk of flight and risk of further injury and abuse to the minor children, the relief prayed herein is warranted.
3. The Borough of Brent requests that this Court issue a Warrant of Arrest to be executed by the United States Marshal and Ordering the United States Marshal for the Eastern District of Virginia to:

A) forthwith transmit a copy of the Court's Order and serve it upon Harry Williams and Nafisatu Williams, together with the instant Petition and accompanying Exhibits;

B) execute the Order and Warrant by immediately arresting the persons of H. W., S. W., date of birth April 4, 2002, Harry Williams and Nafisatu Williams, and by immediately transporting the children to Mr. Jim Grogan or Ms. Elizabeth Spell, Child Protective Services, 12011 Government Center Parkway, Fairfax, VA 22035, (703) 324-7400, or the After Hours Unit of Child Protective Services, 12011 Government Center Parkway, Fairfax, VA 22035 (703) 324-7400;

C) search the premises of Harry Williams and Nafisatu Williams, or any other place where Harry Williams and Nafisatu Williams, are reasonably believed to be present, for the purpose of determining whether the children are present.¹

4. Upon arresting and transporting H W. and S.W. to Mr. Jim Grogan, Ms. Elizabeth Spell, or the After Hours Unit of Child Protective Services, Petitioner requests a further Order that the Virginia Department of Social Services, Child Protective Services place the minor children in temporary shelter care and/or care of a foster home that has been determined to be suitable for the children.

5. Pursuant to 42 U.S.C. § 11604 of ICARA in a proceeding for the return of a child, “[n]o court exercising jurisdiction . . . may . . . order a child removed from a person having physical control of the child unless the applicable requirements of State law are satisfied.” 42 U.S.C. § 11604 (2001). In this case, the State law referred to is that of Virginia. In Virginia, the Uniform Child Custody Jurisdiction and Enforcement Act (“UCCJEA”) is the source for

¹ Such a Petition may also be treated as an application for a Writ of Habeas Corpus itself. Zajackowski v. Zajackowska, 932 F. Supp. 128, 132 (D.Md. 1996) (“[T]he Court will treat the [Convention] petition as an application for a writ of habeas corpus . . . pursuant to 28 U.S.C.A. § 2243”); see also In re McCullough, 4 F. Supp. 2d 411 (W. D. Penn. 1998).

statutory law governing, *inter alia*, the resolution of both domestic and international child custody disputes. Virginia Code, Domestic Relations, §20-146.01 *et seq.* Virginia law addresses the appearance of the parties and the child in such cases in §20-146.21 of the UCCJEA. That section authorizes this Court to order the appearance of the child and custodian or custodians *together*. *Id.* This Court therefore has the authority to issue a show cause order, ordering the appearance of the Respondents in that the provisions of 42 U.S.C. §11604 can be met.

6. In the alternative to a warrant of arrest, and to minimize the flight risk posed by Respondents, The Borough of Brent respectfully requests that the Court enter an Order (1) prohibiting the removal of the minor children from the jurisdiction of this Court until this Court orders otherwise; (2) directing Mr. and Ms. Williams immediately to surrender to this Court any and all passports and travel documents they may possess for themselves and/or the minor children; (3) directing that the Court and the Borough of Brent be notified in advance of any change in residence of the children; and (4) granting The Borough of Brent and its counsel reasonable access to the minor children wherever they may be found to confirm their presence in the Eastern District of Virginia.

WHEREFORE, Petitioner, the Borough of Brent, respectfully requests the following relief:

- A. an Order directing the United States Marshall to take the minor children into custody in order to prevent further retention or removal of the minor children by the Respondents as set forth in ¶¶ 3-4, *supra*; or
- B. an Order (1) prohibiting the removal of the minor children from the jurisdiction of this Court until this Court orders otherwise; (2) directing Mr. and Ms. Williams immediately to surrender to this Court any and all passports and travel documents they may possess for themselves and/or the minor children; (3) directing that the Court and the Borough of Brent be notified in advance of any change in residence of the children; and (4) granting The Borough of Brent and its counsel reasonable

access to the minor children wherever they may be found to confirm their presence in the Eastern District of Virginia; and

C. any such further relief as justice and its cause may require.

Respectfully Submitted,



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